

Title: *Alabama's 1901 Constitution: What Was at Stake?*

(Suggested grade level: 11th grade American History or Advanced Placement U.S. History)

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Background Information (for the teacher):

The adoption of Alabama's 1901 Constitution, still in use today, marked a critical turning point in Alabama's history. The document ensured the continuing political dominance of white men of property and status; it kept taxes low and government services minimal; and most importantly, it placed severe restrictions on who would be allowed to vote, with disastrous consequences for all African Americans and poor whites. South until the Voting Rights Act of 1965.

- For additional background information, see the following at the Alabama Department of Archives and History Web site:
 - A segment of *Alabama Moments* summarizes the [1901 Alabama Constitution](#). You might consider displaying a copy of this to the students at the beginning of the lesson.
 - Harvey Jackson, III, wrote a more extended discussion of the [origins of the 1901 Constitution and its profound effect on the state](#).
- Also available:
 - An online article at the Encyclopedia of Alabama on the [Bourbons](#) (conservative Democrats active in the late nineteenth and early twentieth centuries in Alabama and the South).
 - An [NPR interview](#) with Wayne Flynt, a retired professor at Auburn University, in which he discusses some of the history of the 1901 Constitution and why he believes it still hinders the state's development.
 - An [online article](#) at the Encyclopedia of Alabama which provides a straightforward and understandable summary of how the Constitution came to be.

Overview of lesson: This lesson focuses primarily on the debate preceding the adoption of the 1901 Alabama Constitution. By examining primary sources that address the question of who would be allowed to vote under the proposed constitution, students will learn that there were multiple interests at play. While one of the major goals of the document was to completely deny blacks their right to vote (as guaranteed in the 15th Amendment to the U.S. Constitution), some whites opposed that particular goal. Therefore, the controversy over who would get to vote was not simply a racial question. Economic and social class considerations affected people's thinking, as is evidenced in the lesson's documents. Students will analyze portions of two primary documents, written before the Constitution was adopted, to determine:

- 1) What the authors said about who should be able to vote.
- 2) The reasons they gave to support their positions.
- 3) What those arguments reveal about assumptions the authors were making in regard to race, social class, and economics.

The lesson concludes with students closely examining those portions of the Constitution which restricted access to the vote. They will ultimately engage in a structured class discussion about the significance of those restrictions and the importance of the right to vote.

Content Standards

[Alabama Course of Study: Social Studies](#) (Bulletin 2004, No. 18)

Grade Level 11

Content Standard 2: Analyzing political and social motives that shaped the 1901 Constitution of Alabama to determine their long-term effect on politics and economics in Alabama

[National Standards for History](#), 1996

Standard 2: The student comprehends a variety of historical sources

2E. Appreciate historical perspectives – the ability to (a) describe the past on its own terms, through the eyes and experiences of those who were there, as revealed through their literature, diaries, letters, arts, artifacts, and the like; and (b) to avoid “present-mindedness,” judging the past solely in terms of present-day norms and values

Standard 5: The student engages in historical issues-analysis and decision-making

5B. Analyze the interests, values, and points of view of those involved in the situation.

[National Standards for Civics and Government](#) (1994)

Standard V: What are the roles of the citizen in American democracy? (p. 129)

B. What are the rights of citizens?

2. Political rights. Students should be able to evaluate, take, and defend positions on issues regarding political rights.

Primary Learning Objective(s):

The student will be able to:

- Practice critical reading skills by analyzing primary sources in depth.
- Gather insight into the thinking of some early nineteenth-century Alabamians on the issues of voting rights, race, class, and economics.
- List voting restrictions imposed by the 1901 Constitution.
- Take and support a position on the significance (both short term and long term) of the voting restrictions which Alabama’s 1901 Constitution imposed, and discuss the importance of the right to vote.

Additional Learning Objective:

The student will be able to:

- Explain how the 1965 Voting Rights Act addressed the issue of voter restrictions based on race. (see Extension)

Time allotted: 120 minutes

Materials and Equipment:

- Copy of [voter certificate](#) (1902)
- Copy of [If It Means a New Constitution](#)
- Classroom copies of excerpts from “Open Letter” with questions (attached)
- [Section 180](#) of 1901 Constitution

- [Section 181](#) of 1901 Constitution

Technological Resources:

- Computer with internet access
- Digital projector

Background/Preparation:

- Students should have previously studied the Reconstruction period (including the Democratic Party takeover and “redemption” of Alabama). They should have some acquaintance with Ku Klux Klan activity in the South and the Jim Crow system of the late 1800s. Lastly, they should know that as the nineteenth century drew to a close, Alabama was industrializing. As a result of this industrialization, large land owners had to compete with wealthy factory owners for political power, and the two groups often had different needs and goals. Without some familiarity with that basic historical context, students would have difficulty understanding the importance of the 1901 Constitution, and they would be limited in their ability to process the documents involved in this lesson. Additional information can be found at [Encyclopedia of Alabama](#) which offers multiple entries dealing with Reconstruction, the Jim Crow system, and industrialization in our state. [The History of Jim Crow](#), an educator’s site that grew out of the PBS series entitled *The Rise and Fall of Jim Crow*, provides historical resources and teaching ideas that trace African American discrimination from the 1870s through the 1950s.

Procedures/Activities:

Engagement/Motivation Activity:

- Display the front and back sides of the [voter certificate](#) from 1902. Have a student read all the words. Explain that the word “elector” in this context means “voter.”
- Encourage students to notice and comment on visual elements in the certificate as well, including the female figure of Justice holding the scales.
- Ask the class to speculate about why the state of Alabama felt the need to use voter certificates and how and when they would have been used. Note – persons had to meet certain qualifications in order to obtain the certificate, and they then had to take the certificates to the polls in order to vote.
- Draw students’ attention to the word “qualified” which precedes the word “elector.” Ask students to speculate about what might have “qualified” W.E. Hayes to vote in 1902. What might have disqualified someone from getting a certificate to vote? Could Hayes have been female? Black? Illiterate? What other kinds of factors might have come into play in terms of who qualified to vote and who did not? Why would some citizens in the state of Alabama want to keep others from voting? Note – voting equates to significant political influence.
- Point out that in Alabama in 1900, black males did have a legal right to vote, although they were not always free to exercise it. Ask students to recall how African American males obtained the right to vote.
- Explain that Alabama’s 1901 Constitution was the legal instrument that stripped most black males of the right to vote by imposing requirements for voters that they could not meet, some of which affected poor whites as well as blacks. Note – women did not get the right to vote until the Nineteenth Amendment went into effect in 1920.
- Ask students to note the blind figure of Justice and the slogan on the voter certificate. Ask them to explain the irony of the image, the words, and the reality that existed in Alabama in 1901.

- Tell students that the 1901 Constitution is still in use, but has been amended to eliminate those racial and economic restrictions on voting. Inform them that they will be analyzing portions of two primary sources written in 1901 but before the Constitution was adopted and that both documents center on the question of who should and should not be able to vote and why.

Step 1	<p>Display these essential questions, and have students copy them into their notebooks:</p> <ol style="list-style-type: none"> 1. Why is the right to vote so important? 2. Is it ever justifiable to deny the right to vote to certain groups of people? 3. According to the author of the document entitled “An Open Letter,” who should be able to vote? What justification did he offer for his opinion? 4. Why were Alabama’s voter restrictions significant? <p>Allow students to respond to the first and second questions.</p>
Step 2	<p>Display a copy of If It Means a New Constitution. Ask a student to read the last paragraph. Ask the following questions:</p> <ul style="list-style-type: none"> • “What problem does he seem to believe exists?” • “What does he say is about to happen that will address the problem?” <p>Note – a convention is about to be called that will write a new state constitution eliminating the black vote.</p>
Step 3	<p>Distribute copies of “An Open Letter” (attached) to each student. Examine the document in one of the followings ways:</p> <ul style="list-style-type: none"> • Ask each student to read every paragraph and answer all the questions on their own (possibly for homework). • Assign all students one of the nine sections to read and answer the questions. Remind the students that they will be responsible for the content of the assigned section in a whole-class discussion.
Step 4	<p>Using the third essential question as a guide, conduct a whole-class discussion by examining each paragraph and the accompanying question(s). Encourage students to contribute additional related questions and answers.</p>
Step 5	<p>Either display or distribute copies of Section 180 of Article VII of the 1901 Constitution. Walk students through key portions, explaining the terminology if necessary. Ask them why this clause was included in the 1901 Constitution. Note – it allowed poor whites without means or property to vote, and without allowing that possibility, many whites would have voted against the Constitution.</p>
Step 6	<p>Either display or distribute copies of Section 181 of Article VIII of the 1901 Constitution. Ask them to read the Section and to consider:</p> <ul style="list-style-type: none"> • how likely it was in 1901 that the average Alabamian, black or white, would have owned forty acres of land or had \$300 worth of real estate or personal property, and • how would these qualifications have narrowed the electorate.
Step 7	<p>Prepare students for a whole-class discussion on the fourth essential question by:</p> <ul style="list-style-type: none"> • Providing time for reflection. • Requiring students to write down (in rough draft form) several reasons the restrictions were significant. • Telling them to think about both short-term and long-term significance. • Explaining that this is not a factual question, but one that leads to logical and thoughtful conclusions based on historical facts about the voting restrictions.

	<ul style="list-style-type: none"> • Telling the students to be prepared to discuss, “What was at stake politically in the final 1901 Constitution?” • Telling students that they must speak at least once during the discussion in order to earn points (whatever value works with your grading system). They can do so by: 1) stating an opinion, 2) offering factual support for their opinion, 3) offering factual support for someone else’s opinion, 4) asking a question, or 5) making a comment that elaborates upon what someone else said.
Step 8	Conduct the class discussion. If possible, place all the students in a circle. If the class is too large to do that, divide it in half, making inner and outer circles. The inner circle gets to speak first. The outer circle has to remain quiet, taking notes on what points are being made. Then have students in the inner circle move to the outer one, and everyone reverses roles. Bring the discussion to a close by returning to the first essential question, why the right to vote is so important. Tell students that African Americans living in the South did not legally regain the full right to vote until the Voting Rights Act was passed in 1965.

Assessment Strategies:

- Check students’ answers to the guiding questions that go with the “Open Letter” document (allow for rough draft answers).
- Award points if students participate in the class discussion.
- Possible test topics:
 - List three ways by which male citizens were disenfranchised by the 1901 Alabama Constitution.
 - Write an essay on why the right to vote is such an important civil right.

Extension:

- Students could trace the right to vote back through our history. Who was able to vote in the original colonies? In the first 13 states? When were blacks allowed to vote? When did women get the right to vote?
- Students could create a time-line (either for the entire nation or just for Alabama) that shows who was given the right to vote and when.
- Students could research the 1965 Voting Rights Act in terms of its more important provisions.
- Students could develop an annotated bibliography of books (appropriate for a teenage audience) that deals with the history of voting or the importance of voting.
- Students could create a poem or song lyrics that say something about why the right to vote is so essential.
- Students could conduct research to see if any popular songs on voting rights already exist.

An Open Letter: On Suffrage Restriction, and Against Certain Proposals of the Platform of the State Convention

“Dedicated, in Courtesy and Regard to the Members of the Constitutional Convention of the State of Alabama, May 10th A.D. 1901”

“Suffrage Restriction”

“Open Letter on the Subject, by Edgar Gardner Murphy, of Montgomery”

(Following are excerpts from the original)

Section A, (p 5) “There are some considerations upon which we are all agreed. The first is, that present conditions in Alabama are most unhappy; the second is, that these unhappy conditions are largely due to the inadequacy of certain provisions in the organic law of the state [a reference to the Constitution Alabama was using at the time, one adopted in 1875]; the third is, that the most disastrous among these unfortunate provisions is that which permits the peril of an unrestricted Negro suffrage [right to vote]. It was, therefore, with keen interest and genuine enthusiasm that I noted the movement for the revision of our organic law, and that I voted for the men from Montgomery county who entered the recent Convention of the Democratic party.”

1. To whom is this letter addressed and what topic does it concern?
2. How would you describe the author’s tone of voice in addressing his audience so far? (Support with specific words from the document, which can include the title and dedication.) Why do you think this author uses that tone of voice? How might it help him achieve his goal?
3. Who wrote this letter (name the individual)? What can you fairly assume about this individual from what has been said so far? (For example, why is it fair to assume the author is male? What can you logically conclude about his level of education, civic involvement, possible social standing, etc.)?
4. What do you make of the author’s description of conditions in Alabama as “most unhappy”?

Section B, (p 8) “The fourth clause in the platform of the State Convention has declared that ‘we pledge our faith to the people of Alabama not to deprive any white man of the right to vote, except for conviction of infamous crime.’ Yet, the second clause of this platform has previously stated that the Constitutional Convention ‘shall regulate all questions of suffrage so as not conflict with the Constitution of the United States.’

1. In 1901, what Federal Constitutional amendment applied to the vote? What did it say? (Use your text for reference.)
2. In your own words, what problem does this author perceive between the 4th clause he mentions and the U.S. Constitution?

Section C, (p 10) “Is it in the interest of Alabama that chronic vagrancy shall vote? [“vagrancy” means the same as “vagrant,” a person without a home or job]---That just because it [the vagrant] wears a white skin, willful idleness shall wield [exert] those powers and dignities of suffrage [the right to vote]

which are to involve the properties and liberties of the decent, hard-working people of Alabama. Are the white people in the state so weak in their control of the situation that from fear of the Negro we must crown the deliberate drone [a person who lives off the work of others]? I earnestly resent the imputation [implied accusation]!”

1. What is the author’s position on using race as the sole determinate of who will be able to vote?
2. What reasons does he offer to support his opinion?

Section D (p 9) “I am not in favor of permitting the peril [danger] of Negro domination within any county of our state. White supremacy, in the present state of the development of the South, means the supremacy of intelligence, administrative capacity and public order. It means the perpetuation [indefinite continuance] of those economic and civic conditions upon which the progress of the Negro is itself dependent. It is securely established throughout every section of this state. So far as I know, there is not an elective office held by a Negro anywhere in Alabama.”

1. Why do you think the author bothers to state his belief in white supremacy?
2. What points, other than his support for white supremacy, does the author make in this section?

Section E (p 11) “There is, also, the problem of illiteracy in Alabama. Illiteracy is not a crime, but literacy is a duty. It is a duty of the individual to himself, and not only to himself, but to the state...No man should vote who cannot read the ballot which he casts...After a period of two years within which to prepare himself, practically every white voter in the state could be ready to read and understand simple sentences in the English language...The state should be reasonable, she should be compassionate and generous, but she should also be wise in relation to her own good and the welfare of her people. Alabama’s percentage of illiteracy puts her, in that category, almost at the foot of the list of states.”

1. According to the author, was illiteracy common among white Alabamians?
2. Why doesn’t he want the new state constitution to allow ALL white males to vote, as it proposed to do?
3. How does he say the problem can be solved?

Section F (p 13) “For us to ask the Negro boy to submit to a test which we are unwilling to apply to our own sons would be, in my judgment, a humiliation to the white manhood of the South. The policy which metes out a test to the Negro which we are unwilling to apply to the white man, suggest a reflection upon the capacity of our white population...The absolute supremacy of intelligence and property, secured through a suffrage test that shall be evenly and equally applicable in theory and in fact to white and black---this will be the ultimate solution of the South for the whole vexed problem of political privilege.”

1. What two essential things does the author say a person should possess in order to be able to vote?
2. What argument does he make for applying the same test to both blacks and whites? Is this a racist argument or not? Support your opinion.

Section G (p 14) “No one shall justly accuse me of wanting to put the Negro over the white man. If anything could bring about that impossible result, it would be the imposition [a demand] of a suffrage test for the Negro without the application of the same test to the white man. Such action would give the Negro the incentive [an encouragement] to an education, to industry, and to good behavior; and leave the white man without the spur of those incentives...No one is a true friend to our white people who increases for the Negro the encouragements and attractions of progress and refuses those incentives and encouragements to the children of the white man...the putting of suffrage tests upon the Negro...the asking of him---as a condition of franchise [power to vote]---a slight educational requirement, or exacting of him the elementary conditions of good behavior, will but waken his ambitions, quicken his activity, and make the ballot more than ever, in his eyes, a prize of dignity and power. You propose to make the ballot, in the hands of our white people, as cheap as vagrancy, idleness, and ignorance.”

1. How does the author reestablish his racist credentials in this section? Describe at least two ways he does this.
2. What reaction does the author predict blacks will have if a suffrage test is imposed on them?

Section H (p 14-15) “And yet, the very proposal of racial discrimination in our suffrage [voting] tests will, at first confuse and unsettle the Negroes of the state. The creation among them of restlessness and discontent can bring no good to our white people. The labor upon our farms will become unsettled. If the work of the Negro is now unsatisfactory, what shall it become under a regime of increased anxiety and suspicion?...Will such conditions help anybody’s business? Our Negroes are not an ideal population. But they are suited to the industrial needs of the South. Most of them are going quietly about their work. A policy of alarm will not be a policy of profit. It will increase the value of the Negro to Alabama.”

1. What economic argument does the author make against racial discrimination in the suffrage test?

Section I (p 18) “Some suffrage restriction is absolutely necessary to Alabama. Let us place that restriction, without considerations of race, upon the idle and the vicious, and the Federal Constitution will never be invoked against us.”

1. What legal and practical arguments does the author make against a racially discriminatory suffrage test?

Alabama 1901 Constitution Class Discussion Rubric

Name _____

	5	4	3	2	1
Preparation for Discussion	Student is engaged in the discussion, and often cites specific references to the preparatory assignment or activity and clearly connects the references to main opinions.	Student is engaged in the discussion, occasionally using references from the preparatory assignment or activity.	Student makes random comments that repeat what others have said without contributing anything new.	Student makes random comments that repeat what others have said without contributing anything new and randomly adds opinions that are off topic.	Student is unable to discuss due to not completing the assignment or activity leading to the discussion.
Quality of Comments	Timely and appropriate comments, thoughtful and reflective, responds respectfully to other student's remarks, provokes questions and comments from the group	Volunteers comments, most are appropriate and reflect some thoughtfulness, leads to other questions or remarks from student and/or others	Volunteers comments but lacks depth, may or may not lead to other questions from students	Struggles but participates, occasionally offers a comment when directly questioned, may simply restate questions or points previously raised, may add nothing new to the discussion or provoke no responses or question	Does not participate and/or only makes negative or disruptive remarks, comments are inappropriate or off topic
Resource/ Document Reference	Clear reference to text being discussed and connects to it to other text or reference points from previous readings and discussions	Has done the reading with some thoroughness, may lack some detail or critical insight	Has done the reading; lacks thoroughness of understanding or insight	Has not read the entire text and cannot sustain any reference to it in the course of discussion	Unable to refer to text for evidence or support of remarks
Active Listening	Posture, demeanor and behavior clearly demonstrate respect and attentiveness to others	Listens to others most of the time, does not stay focused on other's comments (too busy formulating own), or loses continuity of discussion. Shows consistency in responding to the comments of others	Listens to others some of the time, does not stay focused on other's comments (too busy formulating own), or loses continuity of discussion. Shows some consistency in responding to the comments of others	Drifts in and out of discussion, listening to some remarks while clearly missing or ignoring others	Disrespectful of others when they are speaking; behavior indicates total non-involvement with group or discussion

TOTAL _____

Comments: